These clauses have been modelled upon, and adopted word for word from, the corresponding clauses of section 14 of the Malabar Tenancy Act. This House, after great care and mature consideration, adopted this clause as necessary in the interests of Malabar landholders as against the tenants, who did not deserve in particular instances for faults of their own, to be continued any longer in the position of the cultivators of the land. After all it cannot be the object of this Legislature arbitrarily to put property in one class of persons by depriving another class of persons of it. Apparently with the object of furthering agriculture and sound husbandry, rights of occupancy or fixity of tenure are sought to be conferred on the cultivating tenants; provided that object is secured in a wholesome manner, it certainly is a worthy object, worthy of being achieved. But if the tenant in his turn abuses the privilege conferred upon him in any one of the many ways indicated in this amendment—for example by denying the title of the landholder under whose grant or under whom he has his existence, or if he wilfully commits acts of waste and thereby injures and not furthers the cause of good husbandry or agriculture—then certainly to retain such a man in further possession of the land is a danger. He abuses the fixity of tenure. Similarly it is due to the landholder and it is but fair play to him that he should have his rent duly paid to him. If any default is committed in this respect and after a further respite of three months also allowed, if this default is not rectified, then such a tenant appropriates the fruits not only legitimately due to him but also misappropriates the share of the landholder. Considerations such as these have resulted in the enactment of a similar clause as part of section 14 of the Malabar Tenancy Act. If the tenant collusively allows a stranger to encroach on the holding adversely to the interests of the landholder, the law which gives immunity to the encroacher by the favour of the tenant, is a lamentable law indeed. Therefore a collusive encroachment also has to be provided against by permitting eviction of such tenants."

* The Hon. the PRESIDENT:—" The hon. Member may continue after lunch."

## IV.—HIS EXCELLENCY THE GOVERNOR'S ADDRESS.

At this stage HIS EXCELLENCY THE GOVERNOR arrived at the Council Chamber and addressed the House as follows:—" Mr. President, and Hon. Members of the Legislative Council—

" When I last addressed the Legislative Council, I think there was a general hope that we had reached or nearly reached the end of the economic depression, and that recovery although it might be slow would be none the less sure. That hope, I regret to say, has not yet been fulfilled. Although the downward trend appears to be arrested, there are at present no signs of any immediate recovery, even a partial one, in agriculture, the main industry of this Province, though

in some other directions there has been an improvement. That being so, it is necessary that we take stock of our financial position. The fact that we have been able to balance our Budget, and indeed in one year even to show a surplus, has no doubt led the majority of the people of this Presidency to think that our finances are in a very prosperous condition. I do not wish for one moment to give the idea that there is any instability in our financial condition, but I do want to impress on every one that our present satisfactory condition has only been achieved by the exercise of the strictest economy and by foregoing for the present many schemes which we should like to adopt for the betterment of the people of this Presidency. The surplus which we obtained in the year 1932–33 was due to the unexpected recovery of the abkari revenue, but this improvement has not been maintained—indeed a reverse tendency has been apparent. The same applies to most other heads of revenue, and land revenue taxation has been remitted as far as possible without curtailing unduly the activities of the Government or compromising its financial position. The basic remedies for the depression can, I believe, only be found in economic measures which cannot be effectively initiated by any Provincial Government alone. The Government of India are alive to this fact, and a conference is to be held in a few days at Delhi to which representatives from this Presidency will be sent to examine the whole situation and if possible to devise some remedial measures. I am glad to have received two days ago a deputation of Hon. Members of this Council to put certain aspects of the case before me, and their recommendation will be submitted to the Government of India at this conference. Any such measures as may be adopted must necessarily be slow in their operation and we must look forward to the prospect of a struggle for some years to come to retain the financial stability which is ours at the present time.

1-30 p.m. " During the past season, one or two agricultural districts have been affected by violent storms which in one case, I am sorry to say, caused considerable loss of life, but it may be said that on the whole the season has been generally fair.

" The Mettur Dam will shortly be completed, and the formal inauguration of the Cauvery-Mettur system of irrigation has been fixed for some time in August. It is satisfactory to note that the development of irrigation under the Project has not been so disappointing as was feared, and has approximated as nearly to the forecast as can be expected under the present economic condition and the consequent hesitation on the part of the ryots to take Project water at the price offered. Investigation is being pushed forward with regard to the Bhavani Reservoir Project and the modified Tungabhadra Project, and it is hoped that the result of the investigation of these two Projects will be sufficiently encouraging to permit of their execution.

" It is a matter for congratulation that at a conference between representatives of this Government and of the Mysore Darbar held during September last satisfactory agreement and understanding were

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arrived at as regards a number of minor irrigation disputes which have been the subject of protracted correspondence between the two Governments for a number of years.

"The forthcoming abolition of taluk boards has been adopted with a view to secure, if possible, financial equilibrium for local boards. It is hoped to bring the new Act into force at an early date, and the Government are giving their earnest consideration to the steps necessary to ensure the smooth transition from the old order to the new.

"A comprehensive Bill amending the City Municipal Act is in process of preparation and will be ready for publication shortly.

"The Government have sanctioned the appointment from the 1st of March, 1934, of an officer on special temporary duty to make a study of the rice trade in this Presidency and to collect information and accurate data on various points connected with this trade. The materials collected by this special officer will be useful to the Provincial Marketing officer and to the Marketing Board both of which the Government propose to appoint early in the next financial year. It is hoped that it will thus be possible to effect a substantial improvement in the marketing of agricultural produce and to minimize thereby the effect on the agriculturist of the recent severe fall in prices, and also to aid the general economic recovery of the Province.

"The Government have decided to guarantee when the Act comes into force, both the principal and interest on future debentures issued by the Central Land Mortgage Bank which has now firmly established itself. The Government of India have, at the instance of this Government, agreed to amend the Indian Trust Act so as to include these debentures in the list of trustee securities. This measure is calculated to secure investment in these debentures by Insurance companies and other private and public bodies interested in long term investment, and to give long term credit facilities to agriculturists.

"I intend to make only one reference to the White Paper which I consider to be *sub judice* at the moment. It is of course easy to pick out a sentence here and a proposal there and by those means to condemn it, but I would ask Hon. Members and the public generally to view the proposals and to base their judgment on them as a whole and not piecemeal.

"For the first time in the history of Madras an Indian gentleman, Sir Mahomed Usman, has been appointed to act as Governor during the time that I shall be acting as Viceroy. I am sure that he will carry out the duties admirably, and I am also confident that he will receive from this Council the same loyal and unstinted support that has always been accorded to me.

"Owing to the uncertainty of the situation with regard to when the Reforms will come into operation, I have decided that the Hon. Members of this Council and the Presidency generally shall not be subjected to

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the expense and disturbance that a general election must necessarily entail, and the life of this Council will be extended one year from November next.

"Now, Mr. President and Hon. Members of the Council, it only remains for me to thank you for your labours during the past session, and to express the hope that you will be able to enjoy a pleasant rest from those labours. (Applause.)"

HIS EXCELLENCY THE GOVERNOR then left the Council Chamber.

* The Hon. the PRESIDENT:—"The House will now adjourn for lunch."

**After lunch—2-35 p.m.**

III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 12 OF 1931)—CONSIDERATION OF AMENDMENTS RECOMMENDED BY HIS EXCELLENCY THE GOVERNOR.

* Mr. K. R. VENKATARAMA AYYAR (continuing his speech):—"Sir, I was pointing out that though arbitrary eviction should not be encouraged and should be provided against during the period of transition, it is not fair that the recalcitrant tenant or a tenant who commits waste, or defaults for an unreasonable period to pay rents or encourages strangers to encroach on the holding, should be offered a premium for indulging in those misdeeds of his as against the inamdar. On this ground and on two other grounds which are brought out in the two last clauses of my amendment I have copied, as I said already, from section 14 of the Malabar Tenancy Act. They have already had legislative approval and it is but fair that, on these reasonable grounds at least, eviction should be permissible even during the interim period. The real object behind the Government amendment will be secured if my amendment is carried because it will prevent on the one hand arbitrary eviction by inamdars and on the other make competent, fair and justifiable, eviction on good grounds. I therefore ask that the House should take a dispassionate view of these amendments and deal equally and fairly by both sides in reaching decisions."

Mr. U. C. SUBRAHMANYA BHATT:—"I second it."

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, there is considerable confusion of thought in the amendment proposed by my hon. Friend. He has not made clear the position of the ryot in inam villages. Of course, there is the contention on the one hand that he is a tenant at will and on the other hand that he has rights within the meaning of the Estates Land Act. Certain provisions go to show that he is a tenant at will or a tenant from year to year. To make the position clear, I would say that according to the English Law, the ownership of land vests in the sovereign and whoever holds lands has to trace his title to the sovereign directly or indirectly. On the other